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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/203,375

12/02/1998

NORBERT WEGNER

81395-72

4110

22502

7590

05/25/2004

SMART & BIGGAR

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VANCOUVER, BC V4A1T5

CANADA

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

13

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/203,375

Applicant(s)

WEGNER ET AL.

Examiner

Brenda Pham

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-11, 13-15, 17-22, 24-26 is/are rejected.
- 7) ☐ Claim(s) 9, 12, 16 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This correspondence is in response to the applicant's response filed September 16, 2003. Claims 1-26 are currently pending.
2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 11, 13-15, 17 and 24-26 are rejected under 35 USC 102(b) as being anticipated by **David et al** (US 6,026,460), hereinafter refer to as **David**.

-Regarding claims 1, 2, 11, 13-15 and 24-26, David teaches a method and apparatus of controlling the flow of data units across a bus bridge, comprising: detecting operational states of a bus bridge in communication with at least two data buses for transferring data between the at least two data buses; disabling load access to the bridge when a first predefined operational state exists at the bridge (first predefined operational state is buffer not empty); and enabling load access to the bridge when a second predefined operational state exists at the bridge (second predefined operational state is buffer empty), (column 3, lines 12-20 and figure 2), "control logic within the bridge checks whether the inbound posting buffer is empty. The control logic disables

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the inbound posting buffer as soon as the inbound posting buffer is empty. After a predetermined period of time, the buffer is rechecked, and when it is empty, the processor is granted control of the system bus. Immediately after the processor completes its bus cycle on the system bus, posting to the inbound posting buffer is reenabled. Thus, disabling of inbound posting and granting control of the system bus to the processor are sequenced so that inbound posting is disabled just long enough to allow the processor cycle to be completed.”

-Regarding claims 3 and 4, **David** further teaches wherein detecting operational states includes monitoring activity on each bus connected to the bridge. (see abstract) “sequencing system bus grants and disabling a posting buffer in a bus bridge includes bus activity monitor for monitoring bus cycles on a first bus”.

-Regarding claims 5 and 17, wherein monitoring includes monitoring control signals on a primary Compact PCI bus and on a secondary Compact PCI bus (figure 2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6-8, 10 and 18-21 are rejected under 35 USC 103(a) as being unpatentable over **David et al** (US 6,026,460) in view of **Yang et al** (US 6,097,698).

-Regarding claims 6-8, 10 and 18-21, as explained in the rejection statement of claims 1-2 and 14-15, David teaches all the claimed limitations recited in claims 1-2 and 14-15 (parent claims).

Although David does not teach a counter incremented by the bridge monitor when a data unit is loaded to the bridge and decremented by the bridge monitor when a data unit is unload from the bridge, this limitation is well known and is taught by Yang in according to column 7, lines 62-67).

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement a counter in David to count the number of cells that are buffered in the buffer at any point in time for determine the occupancy level of the buffer to prevent overflow of the bridge buffer.

***Allowable Subject Matter***

7. Claims 9, 12, 16, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

**Conclusion**

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Fax to:

(703) 308-6743, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington VA Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (703) 308-0148. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-3900.

April 29, 2003  
Brenda Pham

A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal line extending to the right.

WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600